

Before the  
Communications C  
Washington, DC 20554

# Petition for Rulemaking of the National Association of Broadcasters to Permit AM Radio Stations’ Use of FM Translators

MM Docket No.

## COMMENTS OF STATION RESOURCE GROUP

SRG is a membership organization comprised of some of public radio's leading noncommercial educational ("NCE") broadcasters. SRG's 42 members operate 170 public radio stations across the country, account for a significant portion of public radio's national audience and produce much of public radio's acclaimed national programming.

The NAB Petition quite properly praises the contributions that the AM service makes to American radio, and laments the flaws inherent in AM technology. SRG wholeheartedly concurs with these sentiments. It does not agree, however, that a proposal that would authorize AM stations to use FM translators on a fill-in basis is one that the Commission should entertain at this time. In fact, the proposal would not remedy the technical issues that beset AM daytime stations. It would harm full-service noncommercial educational (“NCE”) FM stations who rely

on FM translators to provide FM service. Ultimately, it would undermine the AM service, which will be weakened by diverting listeners to the FM band.

**1. The NAB Petition Does Not Address Weaknesses Inherent in AM Technology.**

Unlike good wine, bad technical solutions do not improve with time. The FCC has twice before considered proposals to permit AM stations to use FM translators, and twice before it has rejected the proposals based upon propagation characteristics of the AM signal. Those characteristics have not changed.

In 1981, the Commission rejected a proposal by the Rocky Mountain Broadcasters Association to permit AM stations to use FM translators. *Memorandum Opinion and Order*, 49 RRcd 1499 (1981).

The primary AM broadcast signal is a ground wave, i.e. it follows the contour of the earth. It is not impeded by irregular terrain in the manner of FM signals. Rather its diminution is due largely to losses related to the conductivity of the earth. As a consequence, there is generally no reason for AM licensees to establish FM translators to provide “fill in” service since the propagation characteristics of the band normally do not leave service voids similar to those found in the FM band. Stated in another manner, if an AM station’s signal is suitable for use on an input to an FM translator, it should also be suitable within the service area of the FM translator for direct off-the-air reception as an AM signal.

49 RRcd at 1499-1500.

In 1990, the Commission revisited the issue and reached the same conclusion:

The ground wave propagation characteristics of AM signals are such that they normally do not leave service voids or “shadowing” – i.e. holes in coverage – similar to the “shadowing” found in the FM band, although licensees may desire to supplement coverage in directional antenna nulls. Thus, there is generally no reason for AM licensees to establish fill-in service facilities on the FM band.

*Notice of Proposed Rule Making*, 5 FCC Rcd. 2106, 2116 (1990).

The NAB Petition offers anecdotal evidence that AM service can be disrupted by obstacles such as metal utility poles and underground traffic sensors, but provides no evidence that such environmental factors are now so pervasive as to change the propagation characteristics of the AM signal.

**2. The NAB Petition would Further Complicate Spectrum Policy Regarding FM Translator Frequencies.**

On March 17, 2005, the FCC froze the processing of some 8,000 pending FM translator applications until it could “resolve competing demands by stations in these two services [FM translators and LPFM] for the same limited spectrum. *Second Order on Reconsideration and Further Notice of Proposed Rulemaking*, MM Docket 99-25, FCC 05-75 (March 17, 2005). The Commission sought comment on such questions as whether to grant LPFM stations “primary” status over FM translators, “grandfather” all currently authorized FM translators, grandfather only “fill-in” translators, or dismiss all pending FM translator applications.

SRG filed comments reminding the Commission of the substantial investment made by the federal government and public broadcasters in the existing public radio delivery system, including FM translators. It urged the Commission not to jeopardize that investment by modifying the current, “co-equal” status of LPFM and FM translator stations.

For similar reasons, SRG urges the Commission not to initiate a rule making proceeding that would further upset the balance between full service NCE FM stations and LPFM stations for additional spectrum. By authorizing AM stations to use FM translators, the Commission would necessarily increase competitive pressures on the limited FM spectrum available for use.

Such a rulemaking would also further complicate allocation issues and filing window priorities. If the NAB Petition were granted, would AM and FM services be placed on equal footing with respect to each other, or would an AM fill-in translator have a higher priority than a

translator used to expand the service of an existing NCE-FM station? Would any mutual exclusivity be decided by auction? Would full-service applicants be given an equal or lower priority than an applicant who wishes to use the channel for a new LPFM station? Would AM stations be limited to FM translators in the non-reserved band? Even if an AM station were operated on an NCE basis? Are all of these allocation considerations trumped by the much cruder issue of who gets to file first? If a new LPFM window precedes a new translator window, is the proposal advanced by the NAB Petition largely irrelevant, since there will be precious little spectrum left for which to apply? Conversely, will the Commission arrest the development of the LPFM service by giving AM stations an opportunity to apply for the limited FM spectrum still available?

In SRG's view, the FM allocation issues already before the Commission in MM Docket 99-25 are complex enough. Those complexities should not be compounded by authorizing AM stations to use FM translators.

### **3. The NAB Petition Would Harm AM Service.**

The NAB Petition is premised on the belief that AM radio will be strengthened by allowing AM stations to use FM translators to fill in "voids" in AM service, particularly nighttime service of Class C ("daytime") AM stations. In fact, the proposal will weaken the AM service.

The NAB Petition recognizes that "daytime-only AM stations will need the ability to operate FM translators during nighttime hours without running afoul of the Commission's program origination rules." NAB Petition, p.8. Although the NAB attempts to distinguish its proposal to permit origination of programming on FM translators licensed to AM stations from broader proposals to permit all FM translators to originate programming, the two proposals are

indistinguishable. Both would transform FM translators, which must, with a limited exception, rebroadcast a primary station, into what NAB itself describes as “new full service broadcasting class, in direct conflict with the Commission’s original purpose of translators.” NAB Petition, p.8.

NAB apparently does not appreciate the fact that its proposal would radically transform the nature of translator stations and ultimately undermine the AM service the NAB petition seeks to support. Adoption of the NAB’s Proposal would divert listeners from the primary AM station to one or more FM translators. As NAB recognizes, it is difficult to train “audience members to turn the radio dial back to their station in the morning.” NAB Petition, p.4. If AM stations were allowed to originate programs on FM translators, the current AM service would gradually, but inevitably, be displaced by a new commercial type of low powered FM service. AM stations would become the translators of their translators.

### **CONCLUSION**

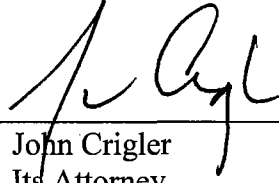
Although sympathetic to AM stations seeking to overcome defects inherent in AM technology, SRG opposes the NAB Petition. The NAB Petition advocates a proposal that has been repeatedly rejected by the FCC based upon the propagation characteristics of the AM signal. The NAB Petition would harm the NCE FM and LPFM services and confound FM allocation priorities already under consideration. Ultimately, the NAB Petition would undermine the AM service.

Accordingly, SRG respectfully requests that the Commission deny the NAB Petition.

Respectfully submitted

STATION RESOURCE GROUP

By:

A handwritten signature in black ink, appearing to read "J. Crigler", is written over a horizontal line.

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August 23, 2005